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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,821	09/24/1999	RAJUGOPAL R. GUBBI	003498.P033	9945

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03/22/2002

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EXAMINER

STEVENS, ROBERTA A

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 03/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK1

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Office Action Summary

Application No.

09/405,821

Applicant(s)

GUBBI, RAJUGOPAL R.

Examiner

Roberta A Stevens

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashi (U. S. 5682604).

Regarding claims 1-9, Kashi teaches (column 2, lines 1- 61) a communication system comprising at least one central station and a number of remote units arranged for communication over a common channel, a channel monitoring circuit for sensing when the channel is free, a processor that identifies a priority parameter of a unit currently transmitting and performs a comparison of that parameter and the predetermined parameter to initiate a timing function in response to the channel monitoring circuit.

Kashi's system is not in computer network communications, however it would have been obvious to one of ordinary skill in this art to apply Kashi's priority channel access to a computer network.

Regarding claims 10-18, Kashi teaches (column 1, lines 1-61) a remote unit having a predetermined priority parameter, comprising a processor element, a receiver coupled to the processor element for receiving signals from the channel and providing received data to the processor element, identifying from the received data a priority parameter for a second remote unit performing a comparison of the priority parameter and the predetermined priority parameter of the first remote unit, a channel monitoring circuit for sensing when the channels is free, and initiating a timer function in response to the channel monitoring circuit when the channel monitoring circuit indicates that the channel is free.

. Kashi's system is not in computer network communications, however it would have been obvious to one of ordinary skill in this art to apply Kashi's priority channel access to a computer network.

Regarding claims 16-18, the examiner understands "permitting asynchronous communications within otherwise idle times within the frame" to mean allowing access to a time slot when it is free, which is why these claims are rejected along with the claims referring to channel access.

Response to Arguments

1. Applicant's arguments filed January 14, 2002 have been fully considered but they are not persuasive. Applicant argues that Kashi does not teach or suggest a clear channel assessment indicator. Kashi teaches (abstract) initiate a timer function in response to the channel monitoring circuit when the channel monitoring circuit **indicates** that the channel has become free. This monitoring circuit meets the limitation "channel assessment indicator" argued by the applicant because it indicates when the channel is free for use.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-6607. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4700.

12. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

For informal draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA. Sixth Floor (Receptionist).

Roberta Stevens
Patent Examiner
03-21-02



ALPUS H. HSU
PRIMARY EXAMINER